

## FARGO CITY COMMISSION AGENDA

Monday, June 28, 2021 - 5:00 p.m.

Executive Session at 4:30 p.m.

Roll Call.

**PLEASE NOTE:** The City of Fargo Board of City Commissioners will meet in Executive Session on Monday, June 28, 2021, at 4:30 p.m., for the purposes of an attorney consultation regarding a reasonably predictable litigation matter involving the enactment of North Dakota House Bill 1248 that is scheduled to go into effect August 1, 2021, which Executive Session is authorized by North Dakota open meeting law, specifically, N.D.C. C. § 44-04-19.1(2) and (9), as such discussion during an open meeting would have an adverse fiscal effect on the litigating position of the City.

Regular Meeting at 5:00 p.m.

City Commission meetings are broadcast live on TV Fargo Channel 56 and online at [www.FargoND.gov/streaming](http://www.FargoND.gov/streaming). They are rebroadcast Mondays at 5:00 p.m., Thursdays at 7:00 p.m. and Saturdays at 8:00 a.m. They are also included in the video archive at [www.FargoND.gov/citycommission](http://www.FargoND.gov/citycommission).

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, June 14, 2021).

### **CONSENT AGENDA – APPROVE THE FOLLOWING:**

- 1. Receive and file an Ordinance Relating to Tobacco Products and Minors.
- 2. 2nd reading and final adoption of the following Ordinances; 1st reading on 6/14/21:
  - a. Petition for Annexation of property described as that part of the Southeast Quarter of Section 15 and the Northeast Quarter of Section 22, Township 140 North, Range 49 West of the 5th Principal Meridian.
  - b. Rezoning certain parcels of land lying in the proposed Commerce Center Addition.
- 3. Findings of Fact and Order and Notice of Entry of Order for property at 1033 5th Street North.
- 4. Agreement and Bill of Sale for a metal building located at the former Mid-America Steel site.
- 5. Gaming Site Authorization for Metro Sports Foundation at Country Inn and Suites.
- 6. Applications for Games of Chance:
  - a. St. Anthony of Padua Parish Fall Bazaar for bingo and a raffle on 9/26/21.
  - b. North Dakota Autism Center Inc. for a raffle on 9/28/21.
- 7. Emergency sewer repair by Dirt Dynamics at 23rd Street and 1st Avenue South.
- 8. Final Balancing Change Order No. 5 in the amount of \$2,301.10 for Project No. UR-20-A1.

9. Change Order No. 1 in the amount of \$11,310.00 and time extension for Project No. SL-21-A1.
10. Art Wrap Attachment Agreement for Placement on City-Owned Structures in the Public Right of Way.
11. Receive and file General Fund – Budget to Actual through May 2021 (unaudited).
12. Purchase of Service Agreement with Cass County Human Service Zone Board.
13. Notice of Grant Award – Public Health Emergency Preparedness All Hazards Allocation (CFDA #93.069).
14. Notice of Grant Award – Public Health Emergency Preparedness EPR Statewide Response Team (CFDA #93.069).
15. Notice of Grant Award Amendment from ND Department of Health for Tobacco Prevention and Control Program.
16. Notice of Grant Award – ND Department of Health for Women’s Way (CFDA #93.898).
17. Purchase of Service Agreement with ND Department of Health for Public Health Emergency Preparedness/Emergency Response Services (CFDA #93.069).
18. Agreement for Services with Zach Bruns.
19. Notice of Grant Award Amendment from ND Department of Health for Statewide Response Team (CFDA #93.069).
20. Notice of Grant Award Amendment from ND Department of Health for City Readiness Initiative (CFDA #93.069).
21. Notice of Grant Award Amendment from ND Department of Health for All Hazards Allocation (CFDA #93-069).
22. Memorandum of Understanding between Fargo Cass Public Health and ND Department of Health.
23. 45-day unpaid leave of absence for Lauren Schluter.
24. Lease and Vending Agreement with Breezeway Café, LLC at Fargo Public Library main location.
25. 2021 Action Plan for Community Development Block Grant (CDBG) and HOME Programs.
26. Resolution establishing the Arts Partnership as the Local Arts Agency (LAA).
27. License Agreement with the Downtown Community Partnership for parking during the 2021 Downtown Street Fair.
28. Adopt Resolutions approving the following Plats:
  - a. Sigma Psi Housing Addition.
  - b. Booth Addition.

29. Interlocal Agreement with Cass County to provide \$51,327.00 in Edward Byrne Memorial Justice Assistant Grant (JAG) funds (CFDA #16.738).
30. Application for Appropriation from Civil Asset Forfeiture Fund for the Fargo Police Department Criminal Investigation Fund.
31. Amendment (First) to Maintenance Agreement (Public Right of Way) with EOLA Landings, LLC.
32. Services Agreement (Towing and Impound Lot Management) with Brennan's Garage, LLC d/b/a Fargo Moorhead Towing (RFP21050).
33. Change Order for additional work and time extension for the Metro Transit Garage lighting replacement project (AFB20132).
34. Bills.
35. Irrigation repair reimbursement in the amount of \$9,090.00 in connection with Improvement District No. BR-20-C1.
36. Payment of \$259,866.00 to Cass County Electric Cooperative for the relocation of overhead power lines (Improvement District No. BN-21-A1.)
37. Negative Final Balancing Change Order No. 3 in the amount of -\$95,407.98 for Improvement District No. BN-20-K1.
38. Change Order No. 1 in the amount of \$30,370.50 for Improvement District No. AN-20-E1.
39. Bid award for Improvement District Nos. NR-20-A1, BN-21-H1, PR-21-F1 and SL-21-C1.

**REGULAR AGENDA:**

40. **RESIDENT COMMENTS (Fargo residents will be offered 2.5 minutes for comment with a maximum of 30 minutes total for all resident comments. Residents who would like to address the Commission, whether virtually or in person, must sign-up at [FargoND.gov/VirtualCommission](https://FargoND.gov/VirtualCommission)).**
41. **\*Public Input Opportunity\* - PUBLIC HEARINGS - 5:15 pm:**
  - a. Application to transfer the Class "Z" Alcoholic Beverage License from Big D's Bar & Grille LLC d/b/a Shotgun Sally's Rock N Roll to BB&E Partners-Fargo LLC d/b/a Twin Peaks Restaurant at 1515 42nd Street South.
  - b. Application to transfer the Class "Z" Alcoholic Beverage License from Downtown Holdings LLC d/b/a as Fort Knox to Vault Partners LLC d/b/a Fort Knox at 52 Broadway.
  - c. Application to transfer the Class "RZ-V" Alcoholic Beverage License for 670 Events Center LLC d/b/a Sanctuary Events Center at 670 4th Avenue North (more than a 5% ownership change).
  - d. Application to transfer the Class "F" Alcoholic Beverage License for DTSG Inc. d/b/a Famous Dave's at 2581 45th Street South (more than a 5% ownership change).

- e. Application for a Class “FA-Entertainment” Alcoholic Beverage License for Fargo Ts LLC d/b/a Suite Shots to be located at 3400 James Way; continued from the 5/3/21 Regular Meeting.
  - f. Application for a Class “FA-Entertainment” Alcoholic Beverage License for TC Entertainment LLC d/b/a KingPinz to be located at 3485 Jacks Way; continued from the 6/1/21 Regular Meeting.
  - g. Application for a Class “GH” Alcoholic Beverage License for Jays Smokin’ BBQ, LLC d/b/a Jays Smokin’ BBQ to be located at 1322 Main Avenue; continued from the 6/1/21 Regular Meeting.
  - h. Application for a Class “GH” Alcoholic Beverage License for K&K Management LLC d/b/a Fryn’ Pan Family Restaurant to be located at 310 Main Avenue.
  - i. Application for a Class “GH” Alcoholic Beverage License for Soiree’s Sweets d/b/a Soiree Victorian Tea Room to be located at 3 8th Street South.
  - j. Craigs Oak Grove Second Addition (515 Oak Street North); approval recommended by the Planning Commission on 6/3/21:
    - 1. Zoning Change from MR-2, Multi-Dwelling Residential to DMU, Downtown Mixed-Use with a C-O, Conditional Overlay.
    - 2. 1st reading of rezoning Ordinance.
42. Text Amendment to amend Section 20-0402(t)(3) and repeal Section 20-0403(C)(5)(e) of the Fargo Municipal Code (Land Development Code) relating to the prohibition of firearm and ammunition sales as a non-farm commercial use or as a home occupation; action delayed at the 6/14/21 Regular Meeting.
- 1. Receive report from City Attorney regarding possible challenge of House Bill 1248 (and N.D.C.C. Section 62.1-01-03).
  - 2. 1st reading of Ordinance.
43. Receive and file an Ordinance Relating to Boulevard Gardens.
44. 1st reading of an Ordinance Relating to Classification of Ordinance Violations (Minor in Possession/Consumption of Alcohol).
45. 2nd reading and final adoption of the following Ordinances Relating to Public Safety, Morals and Welfare:
- a. Criminal Mischief-Hate Crime.
  - b. Harassment-Hate Crime.
  - c. Simple Assault-Hate Crime.
46. City of Fargo Wildlife Management Program Update.
47. Allocate \$100,000.00 of 2021 Social Service Fund to FM Area Foundation.
48. Construction Update.
49. Recommendations for reappointments to the following Boards and Commissions:
- a. Native American Commission.
  - b. Board of Adjustment.
  - c. Board of Appeals.

- d. Arts and Culture Commission.
- e. Human Relations Commission.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Commission Office at 701.241.1310 at least 48 hours before the meeting to give our staff adequate time to make arrangements.

Minutes are available on the City of Fargo website at [www.FargoND.gov/citycommission](http://www.FargoND.gov/citycommission).